

2.00 ZONING DISTRICT PROVISIONS

2.01 Rural Residential District, One Dwelling per 40 Acres (RR-40)

2.01.1 Intent. The intent of this District is to:

- Preserve scenic resources, views and provide adequate open space.
- Conserve and protect agricultural lands and agricultural livelihood.
- Conserve and protect wildlife habitat.
- Ensure high water quality and quantity standard.
- Preserve the rural residential character.
- Allow for development compatible to agriculture and rural residential uses.
- Promote public health, safety and general welfare.

2.01.2 Tracts of Record. All legal tracts of land on record with the Office of the Clerk and Recorder at adoption of these Regulations, regardless of size, are entitled to all the uses by right (principal uses) and conditional uses of the RR-40 District designation with an approved Conditional Use Permit (CUP).

2.01.3 Uses By Right/ Principal Uses

1. Agriculture
2. Dwelling (Single-Family)
3. Accessory Dwelling
4. Accessory Structure
5. Excavation for Personal Use
6. Home Occupation
7. Greenhouse, up to 1500 square feet (building footprint)
8. Equestrian Facilities, Personal
9. Power Plant, Personal

2.01.4 Conditional Uses (upon obtaining a Conditional Use Permit according to provisions of Section 5.04)

1. Bed and Breakfast
2. Day Care Home (Family)
3. Greenhouse, larger than 1500 square feet (building footprint)
4. Home Based Business
5. Auto Repair, Minor (a business operation)
6. Places of Worship
7. Non-agriculture structures over 32 feet and not within a naturally wooded area
8. Power Plant, Commercial, (Wind, Solar, and Hydro Energy Generation)
9. Accessory structures (other than caretaker residence, guesthouse, or employee housing for authorized agriculture operations) over 2400 square feet (building footprint).
10. Alterations to the exterior of a Bed & Breakfast for the purpose of increasing the number of guestrooms up to the regulation limit.

11. Expansion or enlargement of an existing legal non-conforming structure.
12. Essential Services (Type I and Type II)

2.01.5 Natural Resources Conditional Uses (upon obtaining a Natural Resources CUP according to the provisions of Section 5.05)

1. Natural resource development and mining uses

2.01.6 Development Density for Principal Uses

1. Each parcel recorded at adoption of these Regulations has one (1) development right for an allowable principal use (such as one (1) dwelling per parcel).
2. The minimum lot size is 40 acres that may be created by subdivision.
3. Parcels five (5) acres or smaller are limited to two (2) accessory structures. Parcels larger than five (5) acres may have up to three (3) accessory structures. A detached accessory dwelling is an accessory structure.

2.01.7 Use of Subdivision Exemptions (MCA §76-3-207)

1. Pursuant to MCA §76-3-207(1) (c), division of land made by the property owner(s) for the exclusive use of agricultural purposes shall be exempt from the minimum parcel size requirements. The use of an agricultural exemption shall not be allowed if the original parcel, after the division of the agricultural parcel, does not comply with zoning requirements.
2. Pursuant to MCA §76-3-207(1)(a), a division of land made outside of platted subdivisions for the purpose of relocating common boundaries between adjoining properties shall be exempt from the minimum parcel size requirement if there is no resulting change in any and all of the parcels. (Example: A north/south common boundary can be changed to an east/west orientation by relocating the common boundary without a net change to the original parcels sizes.)

2.01.8 Required Setbacks

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|------------------------|---------|
| 1. Property Lines | 25 feet |
| 2. Springhill Road | 50 feet |
| 3. Rocky Mountain Road | 50 feet |
| 4. Gee Norman Road | 50 feet |
| 5. Reese Creek Road | 50 feet |
| 6. Bear Creek Road | 50 feet |

7. Creeks (named and unnamed);
rivers; ditches; channels;
canals; and springs 50 feet from the annual mean high water mark
8. Wetlands 50 feet

2.01.9 Maximum Height of Dwellings and Structures

1. Maximum 32 feet, unless number 2 below applies.
2. Maximum 35 feet for a structure within a naturally wooded area in which existing trees in and around the building site are equal to the height of the proposed structure.